

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 04-1214 JB

COLLETTE ETCITY,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Defendant's Motion for Downward Departure, filed November 2, 2004 (Doc. 33). The Court held a hearing a on this motion at the Defendant's sentencing on February 1, 2005. Consistent with the Court's ruling at the hearing, and for the reasons given at the time of the hearing, the Court will deny the Defendant's motion.

IT IS ORDERED that Defendant's Motion for Downward Departure is denied.


UNITED STATES DISTRICT JUDGE

Counsel:

David C. Iglesias
United States Attorney
for the District of New Mexico
Robert D. Kimball
Assistant United States Attorney
Albuquerque, New Mexico

Attorneys for the Plaintiff

Margaret Katze
Assistant Federal Public Defender
Albuquerque, NM

Attorney for the Defendant